

# Hazardous Waste Connection

*Compliance Information for Generators in Kansas*

Winter 1997

Vol. 1, No. 1

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### Director's Notes

Welcome to the first issue of the Kansas Department of Health and Environment's *Hazardous Waste Connection* newsletter. The identification of common compliance problems at small and medium-sized hazardous waste generators prompted the Bureau of Waste Management to develop a way to provide information to these companies and institutions on proper hazardous waste management and disposal practices and pollution prevention. We decided that a widely distributed quarterly newsletter which focuses on generator compliance issues may be the best way to help generators avoid compliance problems. Despite this focus, the *Hazardous Waste Connection* will be distributed to all registered generators, whether large or small, and all treatment, storage, and disposal facilities (TSDs).

Because this newsletter is designed to help you, we welcome your input regarding the content of future issues. One area we intend to emphasize in each issue is the common types of problems which our inspectors find at hazardous waste generators and what you can do to prevent similar problems. We also intend to use the newsletter to keep you informed of new or changing requirements, upcoming meetings and seminars, and available reference materials.

The selection of the word "connection" in our name is noteworthy. It implies two way communication. Although our inspections tell us something about the needs of the regulated community, we value your opinions regarding what topics should be addressed and whether our selection of information is of value. Please contact us in writing or by telephone to let us know how this newsletter can most effectively meet your needs.

Our goal is to achieve a high level of compliance with applicable hazardous waste regulations and an ongoing reduction in overall waste generation through voluntary waste minimization and pollution prevention programs. We hope you take advantage of this resource as well as our technical staff to help you operate a fully compliant hazardous waste management program.

Sincerely,



William L. Bider

Director

Bureau of Waste Management

### **Hazardous Waste Connection**



**Kansas Department of Health &  
Environment**

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### The Bureau of Waste Management has reorganized...

*By Mary Bitney*

*The Bureau of Waste Management is now divided into 3 functional sections:*

*Permitting*

*Technical Support*

*and*

*Waste Policy, Planning & Outreach.*

The Bureau of Waste Management impacts virtually every Kansas citizen because it administers both the hazardous and solid waste programs. Recently the bureau was reorganized along functional lines to provide better service to the public. The three new sections are: Permitting, Technical Support, and Waste Policy, Planning & Outreach.

The **Permitting Section** is divided into three units. The hazardous waste facilities unit is responsible for issuing permits for hazardous waste facilities, overseeing facility closure, and assuring that appropriate post-closure care is provided. Businesses that currently treat, store or dispose of hazardous waste (TSD facilities) or have done so historically require a permit. Hazardous waste permit applications are lengthy and frequently require a year or more for evaluation before a permit can be issued.

The two solid waste units in the Permitting Section issue permits for the municipal solid waste landfills, transfer stations, household hazardous waste facilities, construction and demolition landfills, industrial landfills, waste tire facilities and composting facilities. Solid waste permit applications can usually be reviewed quickly and permits are issued in just a few months in most cases.

The **Technical Support Section** is divided into two units; hydrogeologic and compliance/enforcement. The hydrogeologic unit reviews and evaluates groundwater monitoring systems at hazardous waste facilities and municipal landfills. The compliance and enforcement unit reviews all inspection reports to determine if enforcement action should be taken, and when necessary, develops and negotiates compliance orders as well as other forms of compliance agreements. The unit also coordinates informational seminars for hazardous waste generators.

The **Waste Policy, Planning & Outreach Section** is responsible for developing new and updated regulations for both solid and hazardous waste programs, for providing oversight on grants for household hazardous waste programs and other solid waste projects, for organizing a variety of educational outreach programs, and for overseeing the state and local solid waste planning activities. This section also maintains the solid and hazardous waste databases.

We hope that this new organizational structure will assist in providing better service to our many customers.

## Enforcement and Compliance Issues



### Inspections... How you are selected.

*By Ron Smith*

*"There are 3 primary ways a business is selected for an inspection"*

*Of the 410 compliance inspection last year only 13 (or 3%) resulted in an Enforcement Action*

Often we are asked during or following an inspection, "why are you inspecting my business"? There are 3 primary ways a business is selected for a hazardous waste inspection. First, your facility may have been selected from a random "candidate list", which is a list of businesses in Kansas that are known hazardous waste generators or may have the potential to be hazardous waste generators. If your business is on this list, it will eventually be inspected. Secondly, KDHE will conduct an inspection if it has received a complaint about your facility that is related to solid or hazardous waste management. All complaints are investigated. The third way your company may be selected for an inspection is through the Compliance Assistance Outreach Program (CAOP). If KDHE is gathering compliance data on a specific business/industry then arrangements would be made for an inspection. The CAOP also performs inspections if you have requested assistance. Neither of these inspections would not be an enforcement type of inspection.

Last year KDHE conducted 329 hazardous waste generator inspections from the random candidate list. This is approximately 10% of all hazardous waste generators. In addition, KDHE inspected 81 facilities in response to hazardous waste complaints. The Compliance Assistance Outreach Program focused on the Dry Cleaning Facilities and Radiator Repair Shops in 1996 and conducted a total of 27 inspections. Enforcement actions were taken against 13 hazardous waste generators last year, which is only 3% of the total enforcement/compliance inspections. A common trigger for enforcement action is storing over 2,200 pounds (1,000 kg) of hazardous waste for longer than 90 days without a permit. Other reasons include combinations of the following violations: inadequate marking and/or labeling of containers, inadequate personnel training and/or contingency plans, and repeat violations.

# What can I expect during an inspection?

By Ron Smith

There are three primary phases of an inspection: the preliminary interview, the plant tour and the exit interview. The inspector will show proper identification and conduct the preliminary interview with the owner or designated environmental contact. During the preliminary interview the inspector will explain the purpose of the visit and determine the following: type of business or manufacturing facility, number of employees, possible trade secrets, solid and hazardous wastes generated, and disposal methods for these wastes. After the preliminary interview, a plant tour will be conducted with emphasis placed on industry processes that may generate waste and on the waste storage locations. A facility representative must be present during the plant tour. At the conclusion of the plant tour, the inspector will review any paperwork or records associated with the generation or disposal of waste at the facility. After taking a few minutes to organize notes and paperwork, the inspector will conduct an exit interview. Items covered during the exit interview will be: wastes generated, the rate of generation, generator classification, any violations of the waste regulations, and deadlines for correction of violations. The facility will then be issued a Notice of Compliance/Non-Compliance (NOC/NC). If violations were found, the NOC/NC will list each of the violations and a deadline will be set for the correction of these violations.

Depending on the type of hazardous waste generator category your business is and the size of the facility, a typical inspection can last from 1 hour to 3 days. With respect to the generator status, typical inspections may last as follows: TSDs - 8 hours to 3 days, EPA generators - 6 to 12 hours, Kansas generators - 4 to 8 hours and SQGs - from 1 to 4 hours.

*A common trigger for enforcement action is storing over 2,200 pounds of hazardous waste for longer than 90 days without a permit.*

*The 3 primary phases of an inspection are: preliminary interview, plant tour and exit interview.*

## Does KDHE have the right to conduct an inspection at my Facility? And what are my rights?

By Ron Smith

The Kansas Department of Health and Environment has the authority to inspect any facility that generates, stores, treats, disposes or any other location that is suspected to generate hazardous waste. K.A.R. 28-31-12 outlines both the rights of the department and the business. Below is summary of the departments rights:

- ✓ to gain entry to conduct an inspection at any reasonable hour of the day;
- ✓ to collect and analyze samples;
- ✓ to photograph any hazardous waste facility, structure, or equipment;
- ✓ to inspect and copy records, reports, or other information;
- ✓ to drill test wells or groundwater monitoring wells;
- ✓ to direct the operator to make changes if unsafe conditions or procedures are noted during an inspection; and
- ✓ to be treated fairly and courteously.

During the inspection, the business will have the following rights:

- ✓ to have the inspector observe all reasonable security, safety, and sanitation measures;
- ✓ to collect duplicate samples of any sample collected by the inspector;
- ✓ to receive a written inspection report summarizing the inspection;
- ✓ to designate information given to an inspector as a trade secret; and
- ✓ to be treated fairly, courteously and consistently.

*A typical inspection can take from 1 hour to 3 days, depending on the generator status and facility size.*

*What are my right during an inspection?*

# Questions and Answers



*Do you have a question? If so, let us know. Each issue we will address the most commonly asked questions.*

## *What is a TCLP?*

TCLP is an abbreviation for Toxicity Characteristic Leaching Procedure. It is a laboratory test procedure to analyze wastes for the potential to release hazardous constituents under conditions similar to a landfill environment. If certain release limits are exceeded, the waste is a "characteristic" hazardous waste.

## *Who must have and EPA identification number?*

All Kansas and EPA hazardous waste generators must obtain an EPA ID number prior to treating, storing, disposing, transporting or offering for transportation of hazardous waste.

## *Are fluorescent light Ballasts containing PCBs, a hazardous waste? And what are my disposal Options?*

No. PCBs are not regulated as a hazardous waste. PCBs are regulated under the Toxic Substances Control Act (TSCA) whereas hazardous wastes are regulated under Resource Conservation and Recovery Act (RCRA). PCB ballasts may be disposed in a permitted solid waste landfill, unless they are leaking in which case they must then be disposed of as any other PCB item as defined in 40 CFR 761. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires certain items to be reported when they are landfilled. The reportable quantity for PCBs is one pound. Each fluorescent light ballast contains approximately 1 1/2 ounces of pure PCBs therefore anyone disposing of eight or more ballasts in a 24 hour period is subject to reporting requirements.

## Important Hazardous Waste (HW) Program Phone Numbers...

### **Kansas Department of Health & Environment (KDHE)**

James J. O'Connell, Secretary 913/296-0461

### **KDHE - Division of Environment**

Ronald Hammerschmidt, PhD, Director 913/296-1535

### **KDHE - Bureau of Waste Management**

Bill Bider, Director 913/296-1600

Mary Bitney, Section Chief 913/296-1603

John Mitchell, Section Chief 913/296-1608

Dennis Denger, Section Chief 913/296-1601

Mark Duncan 913/296-1614

Mostafa Kamal 913/296-1609

George McCaskill 913/296-1606

Linda Prockish 913/296-0005

Lynda Ramsey 913/296-0681

Ron Smith 913/296-1604

Candy Williamson 913/296-6898

### **KDHE - District Office Inspectors/Engineers**

Northeast - Lawrence 913/842-4600

Southeast - Chanute 316/431-2390

North Central - Salina 913/827-9639

South Central - Wichita 316/337-6020

Northwest - Hays 913/625-5664

Southwest - Dodge City 316/225-0596

### **EPA RCRA Hotline**

(800) 424-9346

KDHE Public Advocate

913/296-0669

toll free for long distance

(800) 357-6087

Kansas State University (KSU)

Pollution Prevention Institute/Small Business

Environmental Assistance Program (SBEAP) 913/532-6501

University of Kansas (KU)

SBEAP - Resource Library

913/864-3968

### **HOW MAY WE DIRECT YOUR CALL....**

EPA ID numbers Candy Williamson

Compliance Assistance Outreach Program Mary Bitney

General HW Generator questions Lynda Ramsey or Ron Smith

Groundwater Monitoring Mark Duncan

HW Complaints Ron Smith or Lynda Ramey

HW Notification questions Candy Williamson

HW Permits Mostafa Kamal

HW Regulation information John Mitchell or George McCaskill

HW Transporter Registration information Linda Prockish

PCB, TSCA and/or CERCLA George McCaskill

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Bulk Rate  
U.S. Postage Paid  
Topeka, Kansas  
Permit No. 157

**264-21**

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